

**MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS
OF
CUNDALL FARMS METROPOLITANT DISTRICT**

HELD: The 20th day of February, 2020 at 9:00 am at 5061 E. 160th Avenue, Brighton, Colorado

ATTENDANCE:

A regular meeting of the Board of Directors for Cundall Farms Metropolitan District was called and held as shown above and in accordance with applicable statutes of the State of Colorado, with the following Directors present and acting:

David Scott
Christopher Elliott
Matt Janke
Mauricio Barbera
Corey Elliott

Also present were:

Clint Waldron, Esq. and Megan J. Murphy, Esq., White Bear Ankele Tanaka and Waldron, P.C. District General Counsel
Denise Haas, 5150 Community Management, District Manager
Gigi Pangindian, CliftonLarsonAllen, LLP, District Accountant
Paula Jurhs, Social Committee Chair
Rueben Maes, Advisory Committee Member
Homeowners

CALL TO ORDER:

The Board noted that a quorum was present for the purpose of conducting a regular meeting of the Board of Directors of Cundall Farms Metropolitan District. The meeting was called to order at 9:06 am.

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST:

Ms. Murphy advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Murphy reported that disclosures for those directors with potential or existing conflicts of interest were filed with the Secretary of State's Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Ms. Murphy inquired into whether members of the Board had any additional disclosures of potential or existing conflicts of interest with regard to any matters scheduled for discussion at the meeting. No additional disclosures were noted. The Board determined that the participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

APPROVAL OF THE AGENDA:

Ms. Murphy reviewed the Agenda with the Board. Ms. Haas requested a modification to the Agenda be made to include the discussion of the Metco Landscape Contract Renewal. Upon motion duly made, seconded and upon vote unanimously carried, the Board approved the Agenda as amended.

APPROVAL OF THE MINUTES:

Approval of the November 21, 2019 Minutes – Ms. Murphy informed the Board that she had not had a chance to review the minutes and requested the minutes be tabled for approval until the minutes could be finalized. Following discussion, the Board determined to defer approval of the November 21, 2019 minutes until the next meeting.

UPDATE OF THE SOCIAL COMMITTEE:

Ms. Juhrs stated that the calendar of events 2020 have been scheduled and contracts with vendors are in process. Ms. Juhrs stated that the Spring event is April 4th.

UPDATE OF THE ADVISORY COMMITTEE:

Ms. Maes informed the Board that KB Homes will stain the fence on 156th Avenue in the Spring; the wall at the park has been damaged for some time and Mr. Scott and Ms. Haas are working on a repair plan; and there are other miscellaneous repairs needed throughout the community. Following discussion it was determined that the Advisory Committee would work with Ms. Haas and Metco Landscape, LLC to create a proposal for the Board to consider at the next meeting. Ms. Maes also informed the Board that member Judy Poor has resigned and the Advisory Committee is searching for a replacement.

DISTRICT MANAGEMENT REPORT:

Ms. Haas reviewed her written report with the Board. Ms. Haas asked if the tree on East 158th Avenue that is blocking a stop sign should be removed. Mr. Barbera responded that KB Homes is receiving a final punch list from the City of Thornton in July and the tree should not be removed before that time. Ms. Haas also stated that the Community Meeting will be on March 25th at 6 p.m. at Northern Hills Church.

DISTRICT BUSINESS:

- 1.) Consider Adoption of Resolution Designating 24-hour Posting Location – Ms. Murphy explained to the Board that the 24-hour posting location for the Association will be the cfmd.co website and this resolution is to be completed on annual basis. After discussion, upon motion duly made, seconded and upon vote unanimously carried, the Board approved the resolution.
- 2.) Consider Approval of Two New Social Committee Members – Ms. Haas presented Roseanne Bohl and Kristina Fey as members to be added to the Social Committee. After discussion, upon motion duly made, seconded and upon vote unanimously carried, the Board appointed Ms. Bohl and Ms. Fey to the Social Committee.
- 3.) Consider Approval of Sponsorship Resolution for Social Committee – Ms. Murphy explained the Sponsorship Resolution to the Board as allowing the Social Committee to obtain sponsorships for

events. After discussion, upon motion duly made, seconded and upon vote unanimously carried, the Board adopted the resolution.

- 4.) Consider Approval of Pet Waste Stations – Ms. Haas presented the Board with pictures of the pet waste stations to purchase for the community. After discussion, upon motion duly made, seconded and upon vote unanimously carried, the Board authorized the Advisory Committee to purchase and install five pet waste stations and trash cans to be added throughout the community in an amount not to exceed \$5,000.00.
- 5.) Third Amendment to Metco Landscape, LLC Independent Contractor Agreement – Ms. Haas discussed the Third Amendment with the Board. After discussion, it was agreed that Ms. Haas will forward the contract to the Board and Mr. Maes for review and comment by March 15th. Ms. Haas will also coordinate a landscape walk with Metco to allow the Board and the Advisory Committee to address outstanding concerns with the landscaping in the community.
- 6.) Discussion Regarding Holiday Lighting – Ms. Juhrs asked about holiday lighting in the community. Mr. Scott responded that an electrician has been hired and there will be holiday lights during Winter 2020-2021.
- 7.) Discussion Regarding May 5, 2020 Election – Ms. Murphy explained the election process to the Board and homeowners present. Ms. Murphy reminded homeowners that if they are interested in running to fill the open Board seats, their forms must be submitted by February 28, 2020 at 5:00 pm. This is a hard deadline. No further action is needed by the Board.
- 8.) Well Site Update – Ms. Haas provided an update on the well site stating that the Great Western is still interested in helping with the site but information is needed from the City of Thornton. Mr. Barbera provided information on whom to contact at the City.
- 9.) Website Update – Ms. Haas updated the Board that the website is live at cfmd.co. However, Ms. Haas requested that all individuals please review the site to ensure all information is loaded on the site and to determine if improvements can be made.

FINANCIAL MATTERS:

- 1.) Review of December 31, 2019 Financials – Ms. Pangindian reviewed the December 31, 2019 financial statements with the Board. After discussion, upon motion duly made, seconded and upon vote unanimously carried, the financials were accepted. Mr. Barbera asked if the Board could conduct some type of audit from January 1, 2020 through May 4, 2020 to be paid for by KH Homes. Ms. Pangindian responded that the Board is required to conduct an audit each year. Following discussion, upon motion duly made, seconded and upon vote unanimously carried, the Board authorized an auditor to inspect the Districts books from January 1, 2020 through May 4, 2020 to be paid for by KB Homes.

PUBLIC COMMENT:

- Katherine Synder – stated that she has safety concerns around mailbox kiosks. There has not been good snow removal around the mail boxes. There is not lighting of any kind around the mail boxes. The snow removal was a little better this last time but seems like a good idea to have a bucket of snow melt and each mail box kiosk. Notices of snow removal in other areas is very good. Ms. Snyder asked for the District to send a reminder to put snow melt on it.
- Debbie Lasson – attended a meeting coordinated by Wolfersberger, LLC at a fire station. Is it true we are only paying interest on the bonds? Is there anything the

community can do to ensure no new bonds are purchased? What are the interest rates?

- Janice Socius – talked about concerns from neighbors regarding concrete throughout the community. She understood KB Homes would come and replace cracked sidewalks, when will this been addressed? What is the homeowners responsibility for sidewalk maintenance? Asphalt in the community is also a problem. Mr. Barbera responded that in July 2020 the City of Thornton will walk the entire community and will mark where concrete and asphalt needs to be replaced within 60 days. After July, there will be a fair amount of disruption while the concrete and asphalt is replaced. Theoretically the sidewalk is in the City right of way and the City is responsible for maintenance.
- Jerry Lavine – the fencing around the property fencing along the common area is deteriorating. Mr. Barbera responded that the replacement and repair of the fence that is adjacent to a private lot is the homeowners responsibility.
- Paula Juhrs– the communication level from the District needs to be increased. She expected to see communication to the whole neighborhood regarding the election and that was in February. She would like more reminders to be send out. Homeowners in the patio homes do not have enough information about what is going on.

LEGAL STATUS REPORT:

- Ms. Murphy and Mr. Waldron engaged in general discussion with the Board and homeowners present regarding the meeting coordinated by Wolfersberger, LLC.
- Mr. Barbera asked if the outstanding bonds will be repaid on December 15, 2055. Mr. Waldron responded yes, December 15, 2055 is the discharge date. Mr. Waldron also stated that the District's Service Plan allow the District to impose 50 mills subject to Gallagher adjustment for 40 years. If the Board is made up of homeowners and they choose to extend the mill levy imposition date beyond 40 years they may do so.
- Mr. Barbera asked if the District imposed a transfer fee. Mr. Waldron responded that the District does impose an Operations Fee – Payment Due Upon a Transfer of \$500 which is used to fund ongoing operations and maintenance costs.
- Following discussion, the Board directed legal counsel and the District accountant to draft a Cundall Farms Metropolitan District Frequently Asked Questions which responds to Ms. Lasson's questions regarding the current bonds as well as other financial questions. The Board directed Ms. Haas to post the document on the District's website and email it to all homeowners in the community.

DELINQUENCY REPORT:

Ms. Murphy presented a delinquent account to the Board for discussion. Following discussion, upon motion duly made, seconded and upon vote unanimously carried, the Board directed legal counsel to draft an offer to settle the delinquent account with the following terms: homeowner will be required to pay the Operations Fee of \$47/month; homeowner will pay legal fees of \$880 no later than April 1, 2020; legal costs of recording, late fees, and penalties of approximately \$143 are waived; and the homeowner must remain current on the Operations Fee payments for three years. If the homeowner does not remain current the legal costs of recording, late fees, and penalties of approximately \$143 will be imposed.

ADJOURNMENT:

There being no further business to come before the Board and upon motion duly made, seconded and upon vote unanimously carried, the Board moved to adjourn the meeting at 11:51 am. The foregoing Minutes constitute a true and correct copy of the Minutes of the above referenced meeting and were approved by the Board of Directors of Cundall Farm Metropolitan District.

BY:

Christian Janke

Secretary for Cundall Farms Metropolitan District






Execution Packet for Christian Janke

Final Audit Report

2020-06-03

Created:	2020-06-03
By:	Dana Anderson (danderson@wbapc.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAsOfONJGwo-gPDbqDAMqpRZHonTCpYotn

"Execution Packet for Christian Janke" History

-  Document created by Dana Anderson (danderson@wbapc.com)
2020-06-03 - 10:20:12 PM GMT- IP address: 50.209.233.181
-  Document emailed to Christian Janke (mjanke@e5xmanagement.com) for signature
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-  Email viewed by Christian Janke (mjanke@e5xmanagement.com)
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-  Document e-signed by Christian Janke (mjanke@e5xmanagement.com)
Signature Date: 2020-06-03 - 10:32:51 PM GMT - Time Source: server- IP address: 96.66.86.133
-  Signed document emailed to mmurphy@wbapc.com, Christian Janke (mjanke@e5xmanagement.com) and Dana Anderson (danderson@wbapc.com)
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